

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CHARLES M. HAYES,	)	
	)	
Plaintiff,	)	
	)	1:05CV1018
v.	)	
	)	
MICHAEL J. ASTRUE, <sup>1</sup>	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**O-R-D-E-R**

On March 13, 2007, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action and a copy was given to the court.

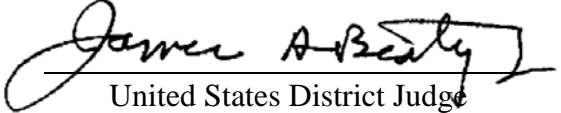
Within the time limitation set forth in the statute, counsel for Plaintiff objected to the Recommendation.

The court has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

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<sup>1</sup> Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

**IT IS THEREFORE ORDERED** that the Plaintiff's motion for summary judgment [Pleading no. 8] be **DENIED**, that the Defendant's motion for judgment on the pleadings [Pleading no. 10] be **GRANTED**, that the Commissioner's decision is **AFFIRMED**, and that this action be dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order.

  
United States District Judge

DATE: April 18, 2007